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9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
 10 COUNTY OF LOS ANGELES

11 CHURCH OF SCIENTOLOGY OF)
 12 CALIFORNIA,)
 13 Plaintiff,)
 14 v.)
 15 GERALD ARMSTRONG, DOES 1)
 16 through 10, inclusive,)
 17 Defendants,)
 18 MARY SUE HUBBARD,)
 19 Intervenor.)

No. C420153

AMENDED COMPLAINT IN INTER-
 VENTION FOR CONVERSION
 [CC §§3336], INVASION
 OF PRIVACY, POSSESSION OF
 PERSONAL PROPERTY [CC §§3379,
 3380], AND DECLARATORY AND
 INJUNCTIVE RELIEF [CCP 525,
 526].

20 Intervenor, Mary Sue Hubbard, as a complaint for
 21 conversion, invasion of privacy, possession of personal
 22 property, and declaratory and injunctive relief, alleges as
 23 follows:

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I

FIRST CAUSE OF ACTION

(Conversion)

[CC §3336]

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1. On November 29, 1982, the court granted intervenor leave to intervene in this action and to file this complaint in intervention.

2. Intervenor is, and at all times herein mentined was, a resident of Los Angeles, California.

3. Intervenor intervenes in this action on the ground that intervener has a substantial interest in the matter in litigation in this action in that:

a. Substantially all of the materials that have been converted by defendant are the personal possessions of intervenor and/or her husband L. Ron Hubbard.

b. Intervenor placed these personal possessions in the custody of the Church of Scientology of California for safekeeping with no intention that defendant would be permitted access to these materials or to take these materials into his custody.

c. Intervenor has the right to take immediate possession of these materials.

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2 d. Intervenor's interest would be directly
3 affected by the results of this action, as hereinafter set
4 forth more particularly.

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6 4. On August 2, 1982, plaintiff commenced this action
7 against defendant for conversion, breach of fiduciary duty,
8 impression of a constructive trust and declaratory and injunc-
9 tive relief. The action is now pending in this court and
10 trial thereof has not been had.

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12 5. Defendant GERALD ARMSTRONG (hereafter, "Defendant
13 Armstrong" or "Armstrong") is currently a resident of Orange
14 County, California, and at various times herein mentioned has
15 been a resident of Los Angeles and Riverside Counties.

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17 6. Plaintiff Church of Scientology of California
18 (hereafter "Plaintiff" or "CSC"), is a not for profit
19 corporation organized and existing under the laws of the
20 State of California. It is a religious organization and one
21 of the worldwide Churches of Scientology. Its principal
22 place of business is 4833 Fountain Ave., Los Angeles,
23 California, located within the Central District of this
24 court.

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26 7. Intervenor is presently unaware of the true names
27 and capacities of Defendants sued herein as DOES 1 through
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2 10, inclusive, and therefore sues these Defendants by such
3 fictitious names. Intervenor will seek leave to amend this
4 complaint to allege the true names and capacities of said
5 "DOE" Defendants when the same are ascertained.

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7 8. Between approximately 1968 or 1969 and the present,
8 intervenor placed in the custody of the Church of Scientology
9 for safekeeping certain items of personal property belonging
10 to her and to her husband L. Ron Hubbard, including docu-
11 ments, letters, manuscripts, memoranda, drafts, notes,
12 memorabilia, artifacts, photographs, and video and audio
13 recordings. These materials were to be securely maintained,
14 and access thereto required the approval of intervenor, or of
15 L. Ron Hubbard.

16
17 9. At all times herein mentioned, intervenor was, and
18 still is, the owner and was, and still is, thereby, entitled
19 to the possession of the personal property, described above.

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21 10. At all times herein mentioned, intervenor was, and
22 still is, the personal representative of her husband L. Ron
23 Hubbard with respect to his personal property, and was, and
24 still is, by virtue of her position as personal representa-
25 tive, entitled to the possession of the personal property
26 described above which is owned by L. Ron Hubbard.

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2 11. From approximately February, 1971, until
3 approximately December, 1981, defendant was a member of the
4 Church of Scientology. At all times pertinent to this action
5 he was a staff member of the Church of Scientology and/or the
6 Sea Organization, a fraternal organization within the eccle-
7 siastical structure of the Church of Scientology.

8
9 12. Commencing in January, 1980, and continuing
10 thereafter through December, 1981, defendant Armstrong was
11 responsible for a Church of Scientology project which
12 involved collecting, cataloguing, preserving, and otherwise
13 maintaining information, artifacts and memorabilia concerning
14 the religion of Scientology, its various organizations
15 including plaintiff CSC, and the founder of the religion of
16 Scientology, L. Ron Hubbard. As a part of his responsibi-
17 lities, defendant Armstrong was to locate any documents,
18 information or artifacts pertaining to the early history of
19 Dianetics and Scientology and concerning Mr. Hubbard. This
20 area of activity by defendant Armstrong was known as the
21 "Archives Project" and is so referred to herein. The
22 Archives Project, at all times pertinent to this action, was
23 located at 4833 Fountain Ave., plaintiff's principal place of
24 business. All materials contained in the Archives project
25 are the personal property either of plaintiff CSC or inter-
26 venor and/or her husband L. Ron Hubbard.

1 13. From approximately January, 1980, through
2 approximately December, 1981, in his capacity as a Church of
3 Scientology staff member, defendant Armstrong gained access
4 to the above-described personal property of intervenor and L.
5 Ron Hubbard. Intervenor did not know of nor give permission
6 for defendant Armstrong to gain access to the above-described
7 personal property, nor did L. Ron Hubbard.
8

9
10 14. During 1982, defendant Armstrong took the above-
11 mentioned property from the possession of plaintiff Church of
12 Scientology of California and, without authorization from
13 plaintiff or intervenor, or L. Ron Hubbard, converted the
14 same to his own use.

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16 15. On or about January 1, 1982, at Los Angeles,
17 California, the above mentioned property had a value to be
18 proved at time of trial.

19
20 16. On or about May 26, 27 and June 21, 1982, plaintiff
21 Church of Scientology of California demanded the immediate
22 return of the above-mentioned property, but defendant failed
23 and refused, and continues to fail and refuse, to return the
24 property to plaintiff.
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2 17. As a proximate result of defendant's conversion,
3 intervenor has suffered damages in an amount to be proved at
4 trial.

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6 18. Between the time of defendant's conversion of the
7 above-mentioned property to his own use and the filing of
8 this action, intervenor has employed investigators and attor-
9 neys in pursuit of the converted property, all to intervenor's
10 further damage in an amount to be proved at time of trial.

11
12 19. The afore-mentioned acts of defendant were willful,
13 wanton, malicious and oppressive, were undertaken with the
14 intent to defraud, and justify the award of exemplary and
15 punitive damages in the amount of \$50,000.

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17 II

18 SECOND CAUSE OF ACTION

19 (Invasion of Privacy)

20 20. Intervenor repeats and repleads each and every
21 allegation contained in paragraphs 1 through 14, above and
22 incorporates them as though fully set forth herein.

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24 21. At all times herein mentioned, plaintiff Church of
25 Scientology of California securely held the following items
26 of personal property, belonging to intervenor and/or her
27 husband, L. Ron Hubbard, namely:

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2 a. Personal letters of L. Ron Hubbard and Mary
3 Sue Hubbard;
4 b. Memoranda written by or to L. Ron Hubbard and
5 Mary Sue Hubbard;
6 c. Documents written by, to, or concerning L. Ron
7 Hubbard and Mary Sue Hubbard;
8 d. Personal memorabilia of L. Ron Hubbard and
9 Mary Sue Hubbard.
10 e. Photographs belonging to L. Ron Hubbard and
11 Mary Sue Hubbard;
12 f. Artifacts belonging to L. Ron Hubbard and Mary
13 Sue Hubbard;
14 g. Personal and family financial records of L.
15 Ron Hubbard and Mary Sue Hubbard;
16 h. Drafts, notes, essays, poems, books written
17 by, or concerning L. Ron Hubbard and/or Mary Sue Hubbard;
18 i. Tape recordings, video recordings, photograph
19 records belonging to L. Ron Hubbard and/or Mary Sue Hubbard;
20 j. Additional items of personal property not yet
21 determined.

22
23 22. During 1982, defendant intruded upon plaintiff's
24 seclusion, solitude and private affairs by gaining access to
25 said materials, reading and/or listening to the contents
26 thereof.

1 23. Defendant Armstrong has revealed the contents of
2 these personal documents to third persons.
3

4 24. These items of personal property are highly
5 personal and intervenor did not intend nor did she permit,
6 access to these materials by third persons, including
7 defendant Armstrong.
8

9 25. As a proximate result of defendant's intrusion on
10 plaintiff's seclusion, solitude and private affairs, inter-
11 venor has suffered damages including but not limited to
12 severe emotional distress, humiliation, loss of reputation,
13 all to intervenor's damage in an amount to be proven at
14 trial.
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16 26. The afore-mentioned acts of defendant were willful,
17 wanton, malicious and oppressive, were undertaken with the
18 intent to defraud and justify the awarding of exemplary and
19 punitive damages in the amount of \$50,000.
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THIRD CAUSE OF ACTION

(Possession of Personal Property)

[Civil Code §§3379, 3380]

27. Intervenor repeats and repleads each and every allegation contained in paragraph 1 through 16, above, and incorporates them as though fully set forth herein.

28. Intervenor is, and at all times herein mentioned was, the owner or holder of the personal property described as follows:

a. Personal letters of L. Ron Hubbard and Mary Sue Hubbard;

b. Memoranda written by or to L. Ron Hubbard and Mary Sue Hubbard;

c. Documents written by, to, or concerning L. Ron Hubbard and Mary Sue Hubbard;

d. Personal memorabilia of L. Ron Hubbard and Mary Sue Hubbard.

e. Photographs belonging to L. Ron Hubbard and Mary Sue Hubbard;

f. Artifacts belonging to L. Ron Hubbard and Mary Sue Hubbard;

g. Personal and family financial records of L. Ron Hubbard and Mary Sue Hubbard;

h. Drafts, notes, essays, poems, books written by, or concerning L. Ron Hubbard and/or Mary Sue Hubbard;

i. Tape recordings, video recordings, photograph records belonging to L. Ron Hubbard and/or Mary Sue Hubbard;

j. Additional items of personal property not yet determined.

29. Intervenor is, and at all times herein mentioned was, entitled to the immediate possession of the personal property described above.

30. The exact value of the personal property described above is unknown at this time. Intervenor will ask leave to amend this complaint in intervention when such a value can be determined.

31. During 1982, defendant wrongfully and without the consent of the plaintiff or intervenor, took possession of the personal property in violation of intervenor's right to immediate possession. Defendant has possession of the personal property and/or the power to deliver to intervenor the personal property described above.

32. During, and as a proximate result of, defendant's wrongful possession and detention of the personal property described above, intervenor has suffered the loss of use and

enjoyment of her personal property. Therefore, plaintiff has suffered damages according to proof.

33. In taking, wrongfully possessing and detaining the personal property described above, defendant acted willfully, maliciously, and in wanton disregard to plaintiff's rights. Therefore, plaintiff seeks exemplary and punitive damages from defendant in the sum of \$50,000.00.

IV

FOURTH CAUSE OF ACTION

REQUEST FOR DECLARATORY AND INJUNCTIVE RELIEF

(C.C.P. §§526, 527, 1060)

34. Plaintiff repeats and repleads each and every allegation contained in paragraphs 1 through 14 and paragraph 28 above, and incorporates them as if fully set forth herein.

35. During 1982, defendant Armstrong wrongfully and unlawfully took possession of the personal property of intervenor, and the personal property of L. Ron Hubbard as described in paragraph No. 28, which was, at the time, in the custody of the Church of Scientology of California.

36. On or about May 26, and June 21, 1982, plaintiff Church of Scientology of California demanded that defendant

return the personal property referred to above. Defendant, has refused and still refuses to refrain from his wrongful possession of the personal property to which intervenor is entitled as owner and/or holder.

37. Defendant's wrongful conduct, unless and until enjoined and restrained by orders of this court, will cause great and irreparable injury to intervenor in that defendant Armstrong has and will continue to disseminate highly personal and confidential information regarding intervenor and her husband, L. Ron Hubbard, which defendant has obtained from the items described above.

38. The items of personal property described in paragraph no. 28, above, are unique and irreplaceable, and contain highly personal information which by intrusion into and dissemination to third persons, have and will injure Mrs. Hubbard. Intervenor has no adequate remedy at law for the injuries currently being suffered in that it will be impossible for intervenor to determine the precise amount of damage which she will suffer if defendant's conduct is not restrained.

39. As a proximate result of defendant's wrongful conduct intervenor has been damaged in an amount to be proved

2. For the return of the above-mentioned personal property to intervenor pursuant to Civil Code §§3379 and 3380.

3. For general and special damages as follows:

(a) For conversion as alleged in count 1.

(b) For invasion of privacy as alleged in count 2.

4. For punitive and exemplary damages as follows:

(a) \$50,000.00 for conversion as alleged in count 1;

(b) \$50,000.00 for invasion of privacy as alleged in count 2

(c) \$50,000.00 for the wrongful possession of intervenor's personal property as alleged in count 3.

DATED: December 6, 1982

Law Offices of
Barrett S. Litt
617 S. Olive, Ste. 1000
Los Angeles, CA 90014

By: Barrett S. Litt
BARRETT S. LIT.

Attorney for Intervenor
Mary Sue Hubbard

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PROOF OF SERVICE

1
2 I, the undersigned, certify and decalre that I am a
3 citizen of the United States, over the age of 18 years, employed
4 in the County of Los Angeles, State of California, and not a
5 party to the within action. On December 7, 1982 I served a
6 true copy of the attached AMENDED COMPLAINT IN INTERVENTION FOR
7 CONVERSION [CC §§3336], INVASION OF PRIVACY, POSSESSION OF
8 PERSONAL PROPERTY [CC §§3379, 3380], AND DECLARATORY AND INJUNCTIVE
9 RELIEF [CCP 525, 526].
10 on the _____ parties _____ in said action by placing said copy
11 thereof enclosed in a sealed envelope with postage thereon fully
12 prepaid, in the United States mail in the City of Los Angeles,
13 County of Los Angeles, State of California, addressed as follows:

12 Contos & Bunch
13 5855 Topanga Canyon Blvd.
14 Suite 400
15 Woodland Hills, CA 91367

16 Howard Stechel
17 1st International Bank Building
18 6255 Sunset Blvd.
19 Suite 2000
20 Los Angeles, CA. 90028

21 and there is regular communication by mail between the place of
22 mailing and the place so addressed.

23 I hereby certify that I am employed in the office of a
24 member of the Bar of this Court at whose direction the service
25 was made.

26 Executed on December 7, 1982, at Los Angeles,
27 California.

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Paula K. Litt